

JP

Notice of Allowability	Application No.	Applicant(s)	
	10/517,153	MOGENSEN ET AL.	
	Examiner	Art Unit	
	Christopher D. Koharski	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/11/2007.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Heidi A. Dare (Reg# 50,775) on 04/03/2007.

IN THE CLAIMS

Amend claims 1 and 12:

Claim 1:

A device for subcutaneous supply of a medicament
to a patient, comprising:

a cannula housing with an interior chamber;

a cannula connected to the cannula housing and being in flow communication
with the interior chamber;

a flexible tubing having a first end and a second end, wherein the tubing is, at its
first end coupled to the cannula housing, said tubing being in flow communication with
the interior chamber; and wherein the tubing carries a source coupling, at its second
end, by which the tubing can be coupled to a source for said medicament;

wherein the tubing is folded ~~for forming~~ and forms a configuration with essentially
parallel courses of said tubing;

wherein the device comprises a first and a second holder device said essentially parallel courses running between said first holder device and said second holder device, said holder devices each defining guides therein for securing the tubing to said holder devices, each holder device receiving at least two of said courses of tubing; and

wherein the first holder device is freely slidable along the tubing towards the second holder device by movement of the tubing along said guides in the first holder device.

Claim 12:

A medicament supply device including a flexible tubing for supplying a medicament to a first end thereof with a cannula housing coupling for connecting said device to a cannula housing that has an interior chamber and a cannula connected to said cannula housing in flow communication with the interior chamber, from a second end thereof having a source coupling wherein the tubing can be coupled to a source of said medicament, wherein said tubing is, between the first and the second end, folded, ~~for~~ forming a configuration with essentially parallel courses of said tubing, wherein the device includes a first and a second holder device, said essentially parallel courses running between said first holder device and said second holder device, said holder devices each defining guides therein for securing the tubing to said holder devices, each holder device receiving at least two of said courses of tubing; and wherein the first holder device is freely slidable along the tubing towards the second holder device by movement of the tubing along said guides in the first holder device.

Allowable Subject Matter

Claims 1-27 are allowed over the prior art of record as amended in this office action pursuant to the Examiner's amendment and the amended claim set filed 1/11/2007.

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed device of a cannula with a housing and chamber with tube with a source coupling that is folded in two or more parallel courses through a first and second holder device with each having guides wherein the first holder is freely slidable along the tubing towards the second holder.

The closest prior art of record is Miles (5,916,199) and White (5,643,216), however these references do not disclose the device as claimed.

Regarding claims 1 and 12, the closest prior art of record fails to teach among all the limitations the of the holder and tubing device that allows for tubing control as described above, Miles and White anchoring systems that do not disclose the freely slidable holders with the configuration as claimed and are made for permanent fixation to the patient's arm and additionally do not disclose several courses of parallel tubing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3763

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Koharski whose telephone number is 571-272-7230. The examiner can normally be reached on 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date:

4/4/07



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